

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

**MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
FEBRUARY 13, 2004 IN THE MARVIN CENTER, ROOM 310**

Present: President Trachtenberg, Vice President Lehman, Registrar Geyer, and Parliamentarian Pagel; Deans Futrell and Tong; Professors Briscoe, Castleberry, Friedenthal, Gallo, Garris, Griffith, Gupta, Harrington, Klarén, Lee, Marotta, Packer, Paratore, Paup, Robinson, Shambaugh, Simon, Swiercz, Watson, Wilmarth, and Wirtz

Absent: Deans Frawley, Harding, Katz, Phillips, Scott, Whitaker, and Young; Professors Cordes, Englander, Sell, and Zaghloul

The meeting was called to order by Executive Vice President for Academic Affairs Donald Lehman at 2:20 p.m.

APPROVAL OF THE MINUTES

The minutes of the meeting held on January 16, 2004 were approved as distributed.

RESOLUTIONS

I. RESOLUTION (03/7), "A RESOLUTION TO AMEND THE POLICY ON CONFLICTS OF INTEREST AND COMMITMENT"

On behalf of the Senate Committee on Research, Professor William Briscoe, Chair, introduced Resolution 03/7. He began by saying that the Resolution was made necessary because continuing compliance with Federal regulations concerning research funding made it incumbent upon the University to update its Policy. Both the Advisory Council on Research and the Senate Research Committee reviewed the proposed changes to the Policy in depth, and the resulting Resolution had been drafted for consideration by the Senate.

Vice President Lehman asked Associate Vice President Sigelman if she had anything to add from the viewpoint of the Advisory Council. Vice President Sigelman said that proposed changes in the Policy grew out of a site visit by staff of the National Institutes of Health (NIH), in which, as a service to universities, they audit a number of aspects of research administration. As a result of the audit, NIH staff enumerated a number of things about the Policy itself, as well as its implementation, where they saw room for improvement.

Ms. Anne Adams of the University General Counsel's Office was enlisted to draft changes to the Policy which would bring the University into compliance with the relevant federal regulations. This draft was reviewed by two University Committees, as noted by Professor Briscoe. Additional feedback was also sought from the Medical Center and other

University offices. The result, she added, is a Policy that has been carefully reviewed, and one that achieves the necessary compliance.

Professor Wilmarth observed that all of the changes to the Policy were obviously highly technical changes that seem to relate to matters of sponsored research. He then asked Professor Briscoe on behalf of the Research Committee, and also members of the University administration, whether it was their understanding that all of the changes proposed are required by Federal guidelines and regulations and, further, that no faculty rights had been given up or infringed upon in ways that are not required by said Federal guidelines and regulations.

Professor Briscoe confirmed that the Policy draft originated in the General Counsel's Office which reviewed it very carefully in terms of changes made necessary for regulatory reasons. He added that he did not believe any changes had been made that were discretionary. The Committee had a very full discussion both with regard to faculty and student rights, and came to this conclusion as well.

Vice President Sigelman noted that the University did exercise some discretion with regard to changing Section 1A of the Policy, which sets forth which individuals are subject to it. NIH had been consulted about the scope of the Policy, but as no clear-cut answer had been forthcoming, the University found it necessary to determine which individuals should be covered. Thus, the concept of researcher has been broadened a bit so that research staff and graduate students in a laboratory, as well as investigators, are subject to the Conflicts of Interest provisions.

Vice President Lehman offered a short history on the Conflict of Interest Policy at the University, noting that some nine or ten years ago, the Senate passed a Conflict of Interest Policy that was specifically directed at research. This Policy for faculty undertaking sponsored research was a lot more detailed than the final Policy that was adopted after the Board of Trustees requested that a Conflicts of Interest Policy for all faculty be developed. It is important that the University remain in compliance with federal regulations, as the scope of these regulations is expanding to cover virtually every agency that awards grants, contracts, and any form of federal funding for research. Vice President Lehman then said that he also thought it critical that research scientists and senior research scientists, who are staff, not faculty positions, be included in Section 1A and subject to the Policy.

Professor Wilmarth said that he appreciated receiving the foregoing explanations of the need for revising the Policy. Based on what he had heard, he was comfortable in concluding that no rights are being taken away from faculty, and no duties imposed upon them, which are not required by federal regulations. The last time the Senate went through this process, it was a very complicated and difficult exercise to balance the rights of the faculty with those of the University. With the universal understanding that federal law requires all of the proposed changes, he said it did not seem necessary to refer the proposed changes to the Senate Committee on Professional Ethics and Academic Freedom Committee for its review. Both Vice Presidents Lehman and Sigelman confirmed that this was their understanding as well.

Professor Gupta suggested an editorial correction to the Policy by noting that with the new republication of the Faculty Code item 1.A should specify pages 1 and 2, rather than 2 and 3. The Senate endorsed this change. Professors Griffith, Wirtz and Vice President Lehman also discussed another editorial change to the Policy which was not made.

Professor Shambaugh posed a question to Vice President Lehman concerning applicability of the Policy during the summer months when faculty are not salaried, and short discussion on this point ensued. Professor Wilmarth noted that the Policy was very specific in Sections III.A and III.B about what sort of transactions were covered, and that the five transactions specified generally involved sponsored research or some kind of direct transaction with the University. Vice President Lehman concurred that a close reading of Section III.B of the Policy was necessary in order to understand its scope.

There being no further discussion, the question was called, a vote was taken, and Resolution 03/7 was approved unanimously. (The Resolution is attached.)

UPDATE ON ACADEMIC TECHNOLOGY

Associate Vice President Craig Linebaugh began his presentation by observing that academic technology at the University was being developed and deployed within the framework of goals and implementation strategies of the Strategic Plan for Academic Excellence.

The first relevant goal for the University, as outlined in Vice President Linebaugh's PowerPoint presentation, is offering a quality undergraduate education, and the related objective is to enhance challenge and discovery in the undergraduate experience. Some strategic actions to achieve this goal and objective within Academic Affairs fall under the auspices of the Office of Academic Planning and Assessment (OAPA), the Center for Instructional Design and Development (CIDD), and the Center for Academic Technologies (CATs).

The OAPA, he continued, is primarily responsible for evaluation and assessments, a topic to which Vice President Linebaugh returned later in his presentation. Another function of that office is a curriculum development grant program linked to the new University Writing Program. A joint effort by OAPA and the CIDD was the Hewlett Foundation Grant that supported a series of courses that linked inquiry based learning with resources in the District of Columbia. This effort, which allowed faculty to learn about, develop skills, and implement inquiry based learning, has evolved into the Columbian College Dean's seminars which are offering an increasing number of undergraduates, particularly freshmen, an opportunity to be involved in smaller courses in which the enrollment is fewer than twenty.

The CIDD, which was formerly a unit under CATs, has now been aligned under Academic Planning and Assessment. This is the primary unit where faculty can go to learn new pedagogical approaches and to develop their skills and construct specific methodologies. This realignment is designed to enhance teaching and learning at the University, whether it involves technology or not.

One thing that has consumed the staff of the CIDD since late 2002 is implementation of the Blackboard Learning System which replaced the Prometheus System. Vice President Linebaugh then went on to describe the differences between the two systems and how this change has impacted staff effort in the CIDD. He then described the correct problem/resolution process in Blackboard for faculty users, which begins when faculty experiencing problems contact the Information Systems and Services (ISS) Help Desk. If the Help Desk cannot solve the problem, they report it to CIDD for disposition if it is a training issue, or to a tier two support within the ISS if it is a technical issue. Should ISS fail to resolve the problem, then the problem can be escalated to the Blackboard technical applications team. Robyn East serves as GW's Blackboard contract administrator. As Ms. East is the interface between the University and Blackboard, theoretically, no individual faculty member interfaces with Blackboard. Vice President Linebaugh said that he hoped this outline would clarify the problem escalation and resolution process within Blackboard for faculty, as there has been a fair amount of confusion and/or consternation about it.

Vice President Linebaugh then touched upon the mission of CATs which he described as the guts of technology efforts within Academic Affairs. The University is trying to create learning environments here that are consistent with the implementation of inquiry based learning methods. CATs has worked very hard, and very successfully, on the design and installation of learning environments at the University. Vice President Linebaugh then went on to describe some of the complexities of supporting and maintaining some of these systems, such as electronic student response systems, which are very resource intensive. Some universities are now using Personal Digital Assistants (PDA's) and wireless systems to implement student response, and the University is investigating these possibilities as well. Other projects undertaken by CATs are the standardization of University classrooms into four different types, and the development of online training protocols and tutorials.

A second goal of the Strategic Plan is to strengthen and strategically expand graduate and professional education. The new technology-laden E Street Professional Education Suite has begun to book a variety of workshops, seminars, and special events.

The third Strategic Plan goal concerns facilitation of faculty scholarship and research growth. This is to be achieved by increasing the scope and excellence of the GW research enterprise. Here again, Vice President Linebaugh said, the OAPA plays a key role. The office has been working with faculty and encouraging them to pursue the scholarship of teaching and to tie their own research activities into pedagogical as well as more basic research pursuits.

The fourth relevant Strategic Planning goal is that of strengthening GW's infrastructure, including technology resources, to support excellence in the academic enterprise. Strategies to achieve this goal include the expansion of faculty development and pedagogical innovation programs offered through the CIDD, preparing additional faculty members to effectively integrate information technology in their teaching, research, and service. A second strategy is the equipping of general purpose classrooms and computer laboratories with state-of-the-art instructional technology, along with the expansion of technical support for these facilities. A third strategy related to this goal is that of developing procedures for evaluation of these new technologies, as well as the design and

implementation of a system for conducting an outcomes assessment of all major new initiatives involving academic information technology.

Vice President Linebaugh then briefly reviewed several key metrics which will be used to assess the progress of technology initiatives. These include tracking the number of new technology-enhanced classrooms, and monitoring which of these are undergoing life cycle replacement. The number of educational programs at the E Street Professional Education Center, services provided by GW Media Services, and new distance learning programs and courses will also be evaluated.

Vice President Linebaugh then described the Faculty Workstation Initiative (FWI) which currently supports 775 workstations. Faculty workstations are replaced on a three-year cycle. For two years, a two-tier program has been in place, so that, if their work requires it, faculty can request, through their schools, a non-standard machine. In the first two years of this program, the number of non-standard machines allotted to each school exceeded the demand. Vice President Linebaugh then noted that even though the budget for the FWI has not increased at all, the program has been able to increase substantially the number of computers provided for faculty, largely through the efforts of P.B. Garrett, Dan Price, and the staff in CATs who have worked very closely with the vendors.

The President asked what was being done at the Mount Vernon campus in terms of computer capacities there. Vice President Linebaugh responded that a full renovation of the Acheson science building has been completed, and every laboratory there is now equipped with LCD projectors and a full range of media. The computer lab in that building has also been completely upgraded. At the Academic Building, the University has been able to optimize its investment by maintaining equipment portability, but is moving toward resident, in-place equipment there as well.

A short discussion followed between Professor Griffith and Vice President Linebaugh concerning various aspects of the budget for technology upgrades and maintenance. In response to a question by Professor Griffith, Vice President Linebaugh said that he hoped the University would not allow itself to be worked into a corner where it has made improvements that cannot be sustained without incurring tremendous additional costs.

Professor Wirtz said he thought that Vice President Linebaugh had made it very clear that CIDD is not the place for faculty to go when they experience problems with Blackboard. Vice President Linebaugh confirmed that CIDD provides training. Professor Wirtz then observed that for many years CIDD was on the cutting edge of technology and was able to bring faculty up to speed in areas that were very important. As matters stand, faculty no longer have a place to go to become inspired for the future and to learn about new technology, a development that he found regrettable.

Vice President Linebaugh responded that CIDD was moved out from under CATs because it was being viewed as a technology unit, which it was never intended to be. The mission of the CIDD is to assist and inspire faculty, and to make available training on inquiry based learning techniques; but they are neither the contact point, nor are they charged with resolving problems within Blackboard unless these problems result from a

fundamental misuse of the system, in which case the problem can be resolved through CIDD training.

Professor Wirtz then asked which unit was informed about streaming and wireless, and Vice President Linebaugh responded that this would come under ISS. He added that he thought a judgement about the value of wireless by CIDD was premature, and that this judgment should be driven by faculty. At the point that the infrastructure is in place, and the faculty make a convincing case for wireless, he said he thought the CIDD would step up and make appropriate training available to the faculty at large.

Professor Wirtz said his reaction to this is that it is telling the GW faculty that they are the ones responsible for knowing exactly where technology is headed, and how to make the best use of it. The real achievement of CIDD in the past has been that it educated faculty and provided them with a clear-cut basis for their vision. This resource is no longer available, he said, and there is really no mechanism for faculty to become actively involved in this process.

Vice President Linebaugh noted that elected faculty representatives currently serve on the Research and Instructional Technology Committee (RITC), which provides a mechanism for faculty feedback on technology issues. He also acknowledged once again that CIDD has been distracted from its core mission due to the amount of staff effort required by the Blackboard system, and this would probably continue for some time into the future.

Professor Lee asked where faculty could receive assistance in creating instructional compact discs, and Vice President Linebaugh referred her to the Instructional Technology Lab in Gelman Library.

Professor Swiercz asked about long term plans for wireless on campus. Vice President Linebaugh said that a wireless effort has been launched, as a commitment has been made not to wire any more classrooms. At this point, classroom wiring in the new Media and Public Affairs building is not even being used. Wireless access points (WAPs) are being installed in Gelman Library and the Hall of Government, and other campus sites are under consideration. This will have to be an incremental issue, as it is easy to install the technology, but the cost of maintaining, supporting, and replacing systems is high.

Professor Paratore asked if classroom support services are decentralized by school, and Vice President Linebaugh said that the bulk of classrooms are supported by CATs, but some decentralization has been achieved in the Law and Business Schools, and in the Medical Center. (A hard copy of the PowerPoint presentation is attached.)

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. NOMINATION FOR ELECTION TO SENATE STANDING COMMITTEES

Professor Robinson moved the nomination for the election of Professor Jessica O'Hara to the Appointment, Salary, and Promotion Policies Committee. She also requested permission to add Professor Laura Youens as Interim Chair of the Educational Policy Committee. This request was approved, and the nominations were both approved.

II. REPORT OF THE EXECUTIVE COMMITTEE

Professor Robinson presented the Report of the Executive Committee, which is enclosed.

BRIEF STATEMENTS (AND QUESTIONS)

President Trachtenberg complimented Associate Vice President Linebaugh on his presentation to the Senate, saying it was the best he had heard on the topic in years. There were no other brief statements or questions.

ADJOURNMENT

There being no further business before the Senate, a motion to adjourn was made and seconded. The meeting was adjourned at 3:37 p.m.

Dennis L. Geyer
Dennis L. Geyer
Secretary

**A RESOLUTION TO AMEND THE POLICY ON CONFLICTS OF INTEREST
AND COMMITMENT (03/7)**

WHEREAS, federal requirements regarding conflicts of interest pertaining to federal research were first addressed by The George Washington University Policy on Conflict of Interest in Federally Funded Research (1995); and

WHEREAS, that policy was superseded by the Policy on Conflicts of Interest and Commitment (1998), whose scope included not only research conflicts of interest but other conflicts of interest and commitment and whose content, while designed to be responsive to federal research regulations, did not provide detailed information about federal regulations regarding conflicts of interest involving federally-funded research; and

WHEREAS, a Proactive Site Visit by an NIH team in August, 2003, designed to provide feedback on GW's compliance with Public Health Service (PHS) regulations revealed gaps and deficiencies in the current Policy on Conflicts of Interest and Commitment and processes surrounding it, and, most notably, indicated that the policy should be revised to clarify the meaning of "investigator" so that it includes more than faculty serving in principal investigator roles; state reporting requirements regarding conflicts of interest or problems arising from them; indicate that any subcontractors must be in compliance with our policy or their own institution's policy; state that records will be maintained for at least three years; and inform investigators, within the policy itself, of relevant federal regulation; and

WHEREAS, the University is also obligated to comply with National Science Foundation regulations in this area, and its investigators can benefit from awareness of other requirements and informational resources regarding conflict of interest; NOW,
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the Faculty Senate supports the proposed amendments to the Policy on Conflicts of Interest and Commitment to bring it into compliance with relevant federal regulations regarding conflict of interest in research.

Faculty Senate Committee on Research
January 9, 2004

Adopted, February 13, 2004



Academic Affairs

Academic Excellence Strategic Planning

*"Sustaining Momentum,
Maximizing Strength"
in Academic Technology*

*Presentation to the Faculty Senate
Craig W. Linebaugh, Ph.D.
Associate Vice President for Academic Planning and Development
13 February 2004*



Academic Affairs

Academic Excellence Strategic Planning

- Goal 1: "quality undergraduate education"
- Objective 1A: "Enhance challenge, discovery, and quality of undergraduate education"



Academic Affairs

Undergraduate Education: Strategic Actions

- *Office of Academic Planning and Assessment*
- *Center for Instructional Design and Development*
- *Center for Academic Technologies*



Academic Affairs

Academic Planning and Assessment

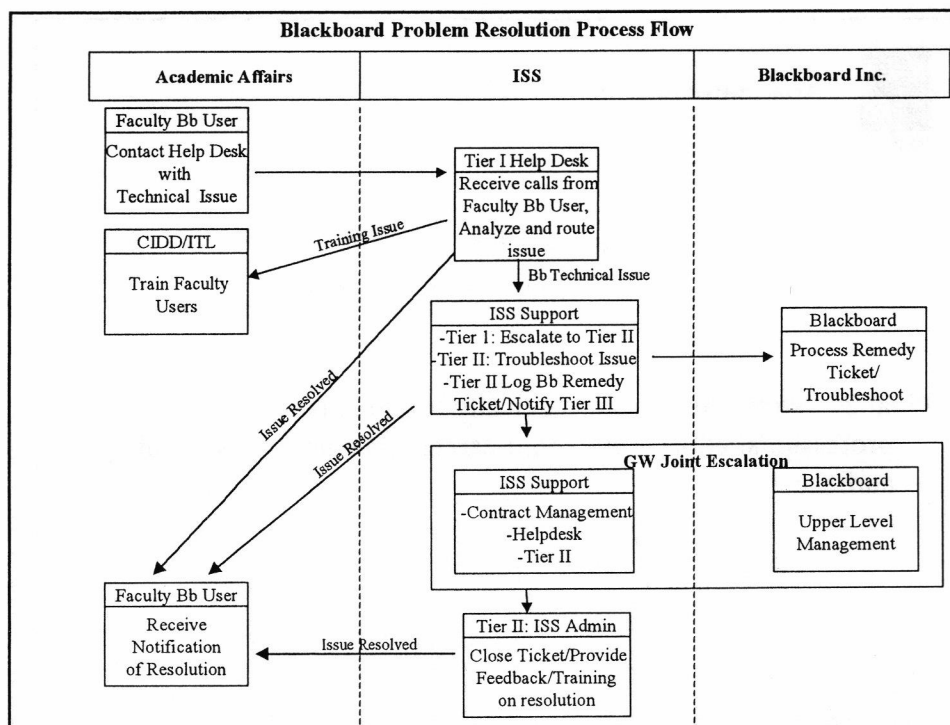
- *Assessment as the cornerstone of efforts to improve teaching*
- *Curriculum Development Grants: Writing in the Disciplines*



Academic Affairs

Center for Instructional Design and Development (CIDD)

- Increased emphasis on faculty and pedagogical development
- Training: inquiry-based learning (Hewlett – Dean's seminars)
- Blackboard Learning System





Academic Affairs

Center for Academic Technologies

- “Learning Environments”
 - Reflect inquiry-based learning
 - Standardization (4 classroom types)
 - Training protocols (tutorials; on-line)



Academic Affairs

Academic Excellence Strategic Planning

Goal 2: “strengthen and strategically expand graduate professional education ... mid-career and continuous learning audiences”



Academic Affairs

Summer Distance Learning Initiative

- Center for Instructional Design and Development
- Instructional Technology Lab
- CATs Media Services



Academic Affairs

E St. Professional Education Center

- Workshops and Seminars
- Conferences
- Special Events



Academic Affairs

Academic Excellence Strategic Planning

- Goal 3: “enhanced facilitation of faculty scholarship and research growth”
- Objective 3B: “Increase the scope and excellence of the GW research enterprise”



Academic Affairs

“Increase the scope and excellence of
the GW research enterprise”

Office of Academic Planning and Assessment

- “Scholarship of Teaching”
- Research Technology Coordinator



Academic Affairs

Academic Excellence Strategic Planning

Goal 5: “Strengthen GW’s infrastructure, including ... technology resources ... to support excellence in the academic enterprise”



Academic Affairs

“Strengthen GW’s infrastructure, including ... technology resources ... to support excellence in the academic enterprise”

Strategies

- “expansion of faculty development and pedagogical innovation programs offered through the CIDD”
- “prepare additional faculty members to effectively integrate information technology in their teaching, research, and service”



Academic Affairs

“Strengthen GW’s infrastructure, including ... technology resources ... to support excellence in the academic enterprise”

Strategies

- *“Equip an appropriate number of general purpose classrooms with state-of-the-art instructional technology to meet the needs of GW faculty”*
- *“Expand technical support for technology classrooms, computer laboratories, and the Faculty Workstation Initiative”*
- *“Complete the transition from the Prometheus to the Blackboard course management system”*



Academic Affairs

“Strengthen GW’s infrastructure, including ... technology resources ... to support excellence in the academic enterprise”

Strategies

- *“Develop procedures for evaluating new technologies”*
- *“Design and implement a system for conducting an outcomes assessment of all major new initiatives involving academic information technology.”*



Academic Affairs

Academic Excellence Strategic Planning *Key Metrics*

➤ Faculty Development

- 1) Number of faculty trained on Blackboard
- 2) Number of faculty completing classroom technology training
- 3) Number/amounts of Curriculum Development Grant applications/awards
- 4) Faculty and GTA visits to the Instructional Technology Lab



Academic Affairs

Academic Excellence Strategic Planning *Key Metrics*

➤ Technology utilization and support

- 1) Number of calls for assistance to Classroom Technology Services
- 2) Number of courses active in Blackboard
- 3) Special software applications installed in computer classrooms
- 4) Number of computers leased under the Faculty Workstation Initiative



Academic Affairs

Academic Excellence Strategic Planning *Key Metrics*

➤ *Learning Environments*

- 1) Number of new technology-enhanced classrooms
- 2) Number of technology-enhanced classrooms undergoing life cycle replacement

➤ *Special Services*

- 1) Number of educational programs at E St. Professional Education Center
- 2) Services provided by GW Media Services
- 3) New distance learning programs and courses



Academic Affairs

Academic Excellence *Strategic Planning*

Questions?

Comments!

REPORT OF THE EXECUTIVE COMMITTEE

February 13, 2004

Lilien F. Robinson, Chair

ACTIONS OF THE EXECUTIVE COMMITTEE

As you may recall, at our December meeting Professor Gupta presented a compilation of top administration salaries and comparison with faculty salaries. Pursuant to it and in accordance with the discussion that followed, the Executive Committee has sent a letter, through President Trachtenberg, to the Chairman of the Board of Trustees, Mr. Manatt, in his capacity as Chair of the Compensation Committee. The letter provides the data on salary and salary increases for top administrators of 20-42 percent in a single year (2001-2002) in contrast to 3-4 percent for faculty. This data was taken from the most recent report of the University to the IRS. We expressed the concerns and questions raised by the Senate regarding the discrepancies between the two groups, the basis for determining salary levels and raises, especially in the context of increased enrollment and faculty work loads and the current faculty salary freeze.

Prompted by the Senate's discussion of the resolution on the extension of the tenure clock for parental leave, the Executive Committee has requested that the Appointment, Salary, and Promotion Policies Committee consider the following related matters:

1. Extension of the tenure clock for any member of the faculty who is eligible for and takes advantage of the Family Leave Act. This matter was brought to our attention by Vice President Lehman.
2. Extension of contracts for contract faculty who become new parents.
3. Formulation of policies on reappointment and promotion of contract faculty in programs without departmental affiliation.

The Executive Committee has made the following appointments to the Trachtenberg Prize Committees: Peter Klarén, the Trachtenberg Teaching Prize; Bill Briscoe, the Trachtenberg Research Prize; and Murli Gupta, the Trachtenberg Service Prize.

OTHER MATTERS

One of the items for discussion on the agenda for the next Executive Committee meeting is the possibility of appointment of a joint task force on the length of maternity leave. This is pursuant to a suggestion made by Bill Griffith at our December meeting.

At its March meeting the Senate will be electing a Nominating Committee to present the slate of nominees for the 2004-2005 Executive Committee.

The annual report on the College of Professional Studies will be presented at the same meeting.

ANNOUNCEMENTS

Please note that two items have been distributed to you today, the recently published Faculty Code, which now includes an index, and a copy of the Faculty Senate report presented to the Academic Affairs Committee of the Board of Trustees on February 5th.

The next meeting of the Executive Committee is scheduled for February 27. Please submit resolutions, reports, and any other matters before that date.

Thank you.

REPORT OF THE FACULTY SENATE
January 22, 2004

The Faculty Senate has met four times since the October meeting of the Board of Trustees, on October 31, November 14, December 12 and January 16.

ACTION ITEMS:

The Senate considered and passed three resolutions.

Resolution on the Proposals for an Alternative Academic Calendar (03/4)

Presented by the Educational Policy Committee, this resolution provides the faculty response, as requested by the administration to the report of the Study Group on An Alternative Academic Calendar. It is the product of extensive study and debate.

The resolution concludes that the proposals contained in the report are not in the best academic or even financial interest of the University, are strongly opposed by the faculty and must not be implemented.

Passed by a unanimous vote of the Faculty Senate and reinforced by the unanimous passage of similar resolutions in the Columbian College of Arts and Sciences, the School of Business and Public Management, and the School of Engineering and Applied Sciences, the Senate's resolution was transmitted to President Trachtenberg for his response and action. In his response of December 16 2004, the President indicated that he was "...persuaded that by what the campus has said --that it is not agreeable to considering these issues further at this time." "...I accept that the faculty's current judgment is that 2004 is not the year to even study much less implement the changes proposed."

Resolution to Amend the Code of Academic Integrity (03/5)

Presented by the Joint Committee of Faculty and Students, the amendment was suggested by the administration. It provides for the removal of the application for admission to the University from governance by the Code of Academic Integrity. Unlike all the other documents referenced in the Code the admission application is not generated after a student is enrolled. Moreover, the University Bulletin provides a warning that disciplinary action may be taken against persons furnishing

false information on application forms, and such action might include registration, revocation or even expulsion. Removal of the application process from the Code's jurisdiction transfers the responsibility for adjudicating falsified application cases from the Code of Academic Integrity back to the individual schools and departments.

Following an extensive debate, the resolution was passed by a vote of 9-8.

A Resolution to Recommend the Establishment of an Election as of Right by Tenure Track Faculty who become new parents during the probationary period (03/6)

This resolution was presented by the Appointment, Salary, and Promotion Policies Committee and the Committee on Professional Ethics and Academic Freedom. The resolution was the result of the work of the Joint Administration/Faculty Senate Committee on the Tenure Clock. The Committee was charged with reviewing the existing University policy relating to tenure clock extensions when a tenure track faculty member becomes a parent, whether through the birth of a child to the faculty member or the member's spouse or through adoption. The Committee was asked to compare the University policy to "market basket" schools and the connection to faculty recruitment and retention.

The resolution provides, as of right, a one-year extension of the probationary period to tenure track faculty, male or female. It also provides that a faculty member who becomes a new parent a second time during the probationary period may request a second tenure clock extension. Such requests would be directed to the Executive Vice President for Academic Affairs.

The resolution was passed by unanimous vote of the Faculty Senate.

REPORTS TO THE FACULTY SENATE

At the October meeting, the Senate received a report of its Committee on Research. The report responds to the Alternative Calendar Study Group Report, providing commentary on the salient points of that report as it would affect faculty research and the potential difficulties in the implementation of either of the principal programs outlined in the report.

At the December meeting, Associate Vice President Folkerts provided an update on the Office of Special Academic Initiatives,

describing the offices and programs overseen by her office. These are the University Honors Program, including the Undergraduate Fellowship Office, the Office of Special Academic Programs which oversees the Study Abroad and Special Summer Programs, and Summer Sessions, the Academic Integrity Office, the Office of University Students, and the University Art Galleries.

Vice President Folkerts described each of the programs with respect to significant issues, goals, accomplishments, and outcomes. For example, she noted that the Honors Program is in the process of developing its Strategic Plan, which will address issues of appropriate enrollment size and fuller and more effective integration of the program with all of the schools. Currently, a Summer Honors initiative in Arabic is under development and is expected to serve as model for the development of other such summer initiative programs.

STATUS OF PERSONNEL MATTERS

Currently there are two grievances in process. Both are in Columbian College, and both are at the hearing stage.

MATTERS UNDER CONSIDERATION BY STANDING COMMITTEES

- Review of policies and procedures with respect to tenure and promotion, including published school and department criteria, mentoring programs, systematic advising of candidates on progress toward tenure and promotion, and the role of school personnel committees. (Professional Ethics and Academic Freedom Committee)
- Production of an online course evaluation that would assist in informing student course selection and the tenure and promotion decisions in departments and schools. (Joint Committee of Faculty and Students)
- Changes to the University's Conflict of Interest Policy, which would bring the University into compliance with federal regulations. (Committee on Research)

Respectfully submitted,

Lilien F Robinson
Chair, Executive Committee
Faculty Senate

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

The Faculty Senate

February 3, 2004

The Faculty Senate will meet on Friday, February 13, 2004, at 2:10 p.m.,
in the Marvin Center, Room 310

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of January 16, 2004 as distributed
3. Resolutions

A RESOLUTION TO AMEND THE POLICY ON CONFLICTS OF
INTEREST AND COMMITMENT (03/7); Professor William Briscoe,
Chair, Faculty Senate Committee on Research (Resolution 03/7 and Policy
are attached)

4. Introduction of Resolutions
5. Update on Academic Technology: Associate Vice President Craig Linebaugh
6. General Business:
 - (a) Nominations for election to Faculty Senate Standing Committees:
Appointment, Salary, and Promotion Policies: Professor Jessica O'Hara
 - (b) Report of the Executive Committee: Professor Lilien F. Robinson, Chair
7. Brief Statements (and Questions)
8. Adjournment

Dennis L. Geyer
Dennis L. Geyer
Secretary

**A RESOLUTION TO AMEND THE POLICY ON CONFLICTS OF INTEREST AND
COMMITMENT (03/7)**

WHEREAS, federal requirements regarding conflicts of interest pertaining to federal research were first addressed by The George Washington University Policy on Conflict of Interest in Federally Funded Research (1995); and

WHEREAS, that policy was superseded by the Policy on Conflicts of Interest and Commitment (1998), whose scope included not only research conflicts of interest but other conflicts of interest and commitment and whose content, while designed to be responsive to federal research regulations, did not provide detailed information about federal regulations regarding conflicts of interest involving federally-funded research; and

WHEREAS, a Proactive Site Visit by an NIH team in August, 2003, designed to provide feedback on GW's compliance with Public Health Service (PHS) regulations revealed gaps and deficiencies in the current Policy on Conflicts of Interest and Commitment and processes surrounding it, and, most notably, indicated that the policy should be revised to clarify the meaning of "investigator" so that it includes more than faculty serving in principal investigator roles; state reporting requirements regarding conflicts of interest or problems arising from them; indicate that any subcontractors must be in compliance with our policy or their own institution's policy; state that records will be maintained for at least three years; and inform investigators, within the policy itself, of relevant federal regulation; and

WHEREAS, the University is also obligated to comply with National Science Foundation regulations in this area, and its investigators can benefit from awareness of other requirements and informational resources regarding conflict of interest;
NOW, THEREFORE

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON
UNIVERSITY:**

That the Faculty Senate supports the proposed amendments to the Policy on Conflicts of Interest and Commitment to bring it into compliance with relevant federal regulations regarding conflict of interest in research.

Faculty Senate Committee on Research
January 9, 2004

POLICY ON CONFLICTS OF INTEREST AND COMMITMENT FOR FACULTY AND INVESTIGATORS

The George Washington University

Contents

- I. General Statement
- II. Consulting, Other Professional Activities, and Research Support from Outside Entities
- III. Reportable Interests
- IV. ~~IV.~~ Procedures for Review
- V. Resources for Information on Financial Conflicts of Interest

Disclosure Forms

I. GENERAL STATEMENT

~~A.~~ Purpose and scope of policy.

This Policy is designed to assist faculty and the University in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. For purposes solely of this Policy, the terms "Faculty" and "Faculty Member" mean those individuals are (1) as defined in the Faculty Code, pages 2 and 3, section I, subsection B, items 1, 3, and 4, and also the term Investigator refers to (2) any other person responsible for the design, conduct or reporting of externally sponsored University research, including without limitation Research Scientists and Senior Research Scientists.

~~AB.~~ Underlying principles.

The Faculty Code states, "faculty shall have a primary responsibility of devoting their time, thought, and energy to service of the University." Of no less importance is a Faculty Member's responsibility to further his or her own professional development and the goals of his or her professional discipline. Normally a Faculty Member's participation in activities of governmental, industrial, and professional institutions is consistent with academic interests of the University and the Faculty Member.

Conflicts of interest may occur when there is a divergence between a Faculty Member's private interests and professional service to the University. Conflicts of interest differ in nature and degree. The goal of any institution cannot be to eliminate all conflicts of interest. Rather it should be to establish boundaries within which conflicts of interest are tolerable and beyond which they are intolerable; processes for review of actual and apparent conflicts of interest; and appropriate mechanisms for management of tolerable conflicts of interest.

Faculty activities shall be conducted in a manner that avoids inappropriate conflicts of interest. As specifically described in Sections II and III, conflicts of interest may require review and oversight when:

1. the University is deprived of appropriate (compensated) time and effort of the Faculty Member due to external commitments (for example, when a Faculty Member exceeds the limitations of the "one-day-a-week" rule set forth in Section II.B.; or accepts obligations that may frequently conflict with scheduled classes or other academic responsibilities);
2. substantial use is made of human and material resources of the University for non-University purposes (for example, when a Faculty Member inappropriately uses University equipment, supplies, personnel, and other facilities and resources for activities that yield financial benefit to the Faculty Member or a third party; or receives outside financial incentives that distort scholarly activity or the shaping of academic goals; or facilitates the erroneous impression that

the University endorses or is connected to an outside activity);

3. the Faculty ~~M~~ember's extra-University financial involvements affect, or reasonably appear to have a significant potential to affect, his or her academic responsibilities, or compromise basic scholarly activity or freedom of action (for example, when a Faculty ~~M~~ember hires a family member; or enters into an agreement to limit or delay the free publication, or access to the results, of sponsored research, other than according to normal University practice (as in the case of patents); or has a reportable interest in a transaction described in Section III.B.); or
4. the University is deprived of appropriate potential financial gain (for example, when a Faculty ~~M~~ember inappropriately seeks to obtain research support in a manner that substantially undermines responsibilities of the Office of Sponsored Research; or has an outside commitment that provides an individual or organization, other than the University, intellectual or tangible property rights, such as patent ownership or license rights, that ought to accrue to the University).

B.C. Nature of policy.

Because precise boundaries are difficult to establish without reference to specific facts, it is prudent to establish a flexible, not formulaic, approach based on principles of fairness and trust. Fairness is advanced by policies firm enough to provide clear guidance and consistency, yet sufficiently flexible to accommodate diversity of discipline and unique circumstance. Trust is advanced by appropriate disclosure and discussion. In light of these principles, this Policy has two essential elements: (1) Faculty are provided a mechanism to report and seek guidance concerning significant actual, potential, and apparent conflicts of interest, thus to ensure appropriate disclosure and that the interests of the Faculty ~~M~~ember and the University are well served. To promote fairness, all Faculty are required to report, as set forth in this Policy. (2) Each school shall administer in accordance with this Policy: a procedure for annual Faculty disclosure of reportable actual, potential, and apparent conflicts of interest; disclosure by Faculty of information pertinent to such conflicts; and a procedure for review and resolution of any lack of agreement arising from disclosure of such conflicts.

C.D. Obligation of University.

In its promotion and administration of research and otherwise, the University shall be sensitive to prospective conflicts of interest involving Faculty and Investigators, including, for example, with respect to (1) the independence of Faculty and Investigators to determine subjects of research and scholarship and (2) enabling Faculty and Investigators to report accurately their time and effort.

D. "Faculty" defined.

~~For purposes solely of this Policy, the terms "faculty" and "faculty member" are (1) as defined in the Faculty Code, pages 2 and 3 section I, subsection B items 1, 3, and 4, and also refer to (2) any other person responsible for the design, conduct or reporting of externally sponsored University research.~~

II. CONSULTING, OTHER PROFESSIONAL ACTIVITIES, AND RESEARCH SUPPORT FROM OUTSIDE ENTITIES

A. The merit of external involvements.

Increasingly, industry and government rely on university faculties for advice. Such practical contributions from higher education institutions to the nonacademic world have provided many Faculty ~~M~~embers the opportunity to use their knowledge and talents constructively, to strengthen their competence through a greater variety of professional experiences, to enhance the Faculty ~~M~~ember's and the University's scholarly reputation, and to serve the public interest.

B. "One-day-a-week" rule.

A full-time ~~F~~aculty ~~M~~ember may spend the equivalent of up to one working day a week during the academic year on outside consulting and other professional activities, provided such commitments do not interfere with University obligations. Payments for such activities are negotiated by the ~~F~~aculty ~~M~~ember directly and do not involve the University. This privilege is not extended to research ~~F~~aculty ~~M~~embers paid wholly from research grants or contracts, ~~full-time physician F~~aculty ~~M~~embers in the Medical Center who are participants in Medical Faculty Associates, or other physician ~~F~~aculty ~~M~~embers whose University contracts preclude such activities.

C. Administration of the rule.

The department chair (or, where applicable, head of other pertinent academic unit) and the dean are responsible for ensuring compliance with this Policy and that no ~~F~~aculty ~~M~~ember abuses this privilege. In particular, ~~F~~aculty involved in private income-producing activities shall not, absent prior written approval by the Executive Vice President for Academic Affairs ("Executive Vice President"), for such purposes substantially utilize University space or resources or the services of secretaries or other University staff, provided that this Policy does not prohibit incidental use of personal office space, local telephone, library resources, and personal computer equipment.

D. Need for written sponsored-research agreements.

Before the University enters into any arrangement in which an entity outside the University provides support for research, a clearly stated written agreement should be negotiated that sets forth the ~~F~~aculty ~~M~~ember's, the Investigator's, the University's, and the external entity's expectations. Funding amounts and other financial arrangements, realistic timetables for mutually agreed objectives, and intellectual property agreements should be in writing before work begins. If the research project involves or may potentially involve a product or service with commercial potential, that prospect must be made known to all parties in advance.

III. REPORTABLE INTERESTS

A. Reportable interests (i.e., "significant financial interests") defined.

This Section III and the disclosure requirements contained in Section IV apply only to transactions and relationships, described in Section III.B, that involve a ~~F~~aculty ~~M~~ember,¹ Investigator or immediate family member, the University, and an outside entity. For purposes of this Policy:

- ~~"Immediate family member"~~ means spouse and dependent children, ~~and~~
- ~~"Significant financial interest"~~ means (1) any stock, stock option, or similar ownership interest in the outside entity by the ~~F~~aculty ~~M~~ember ~~or Investigator~~ that, alone or together with interests of immediate family members, is valued at least at the lesser of \$10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the ~~F~~aculty ~~M~~ember, ~~Investigator~~ nor an immediate family member exercises control; or (2) receipt, individually or collectively by a ~~F~~aculty ~~M~~ember, ~~Investigator~~ and immediate family members, of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination

¹ Principal investigators should take the lead in identifying those individuals in their organizations who are "responsible for the design, conduct or reporting" of externally sponsored University research and therefore are Investigators potentially subject to conflict of interest disclosure requirements. Such individuals may not be limited to the PI and/or co-PI, but could include, depending on the circumstances, persons such as technicians, other staff members and unpaid lab workers.

thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed \$10,000 in income of all types; or (3) that the ~~F~~aculty ~~M~~ember, ~~I~~nvestigator or immediate family member provides services as a principal investigator for, or holds a management position in, an outside entity.²

B. Transactions covered.

Before the University enters into any of the following arrangements, and annually thereafter, a ~~F~~aculty ~~M~~ember or ~~I~~nvestigator described in paragraphs 1-5 below must submit to the school dean a written disclosure of any current or pending relationship of such ~~F~~aculty ~~M~~ember, ~~I~~nvestigator or immediate family member with the outside entity, the relationship of the proposed University activity to the entity, and, if desired, means by which the ~~F~~aculty ~~M~~ember or ~~I~~nvestigator will ensure separation of management of his or her University role in relation to from the ~~F~~aculty ~~M~~ember's, ~~I~~nvestigator's or immediate family member's role or interest in the entity:

1. Gifts to the University of cash or property that will be under the control, or will directly support the teaching or research activities, of a ~~F~~aculty ~~M~~ember or ~~I~~nvestigator from an outside entity in which the ~~F~~aculty ~~M~~ember, ~~I~~nvestigator or immediate family member has a significant financial interest;
2. Sponsored-project proposals as to which the involved ~~F~~aculty ~~M~~ember, ~~I~~nvestigator or immediate family member has a significant financial interest in the proposed sponsor or in a proposed subcontractor, vendor or collaborator;
3. University technology-licensing arrangements with an outside entity in which the ~~F~~aculty ~~I~~nventor ~~M~~ember, ~~I~~nvestigator or immediate family member has a significant financial interest;
4. Procurement of materials or services from an outside entity in which the ~~F~~aculty ~~M~~ember, ~~I~~nvestigator or immediate family member has a significant financial interest, if the ~~F~~aculty ~~M~~ember or ~~I~~nvestigator is personally involved in or has the ability to influence the formation or implementation of the procurement transaction; and
5. Submission to an external sponsor of an application for funding of University research in the design, conduct or reporting of which a ~~F~~aculty ~~M~~ember or ~~I~~nvestigator plans to participate that would reasonably appear to affect the ~~F~~aculty ~~M~~ember's, ~~I~~nvestigator's or immediate family member's interest in an outside entity or would reasonably appear to affect the entity's financial interests.

A ~~F~~aculty ~~M~~ember or ~~I~~nvestigator who seeks funding from or who works on a project funded by an external sponsor must comply with that sponsor's additional requirements, if any, related to disclosure, management, and avoidance of conflicts of interest.

C. Ongoing and elective disclosures.

In addition to disclosures required under Section III.B., ~~F~~aculty members and ~~I~~nvestigators shall disclose to the department chair (or, where applicable, head of other pertinent academic unit) or dean on an ad hoc

² "Significant financial interest" does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures or teaching engagements sponsored by public or non-profit entities; or (3) income from service on advisory committees or review panels for public or non-profit entities.

basis current or prospective situations that are likely to raise questions of reportable conflict of interest under this Policy, including any new reportable significant financial interests, as soon as such situations become known to the Faculty Member or Investigator. In addition, a Faculty Member or Investigator may elect to disclose voluntarily other financial benefit to the Faculty Member, Investigator or immediate family member, related to an existing or contemplated relationship between the University and an outside entity with which the Faculty Member, Investigator or immediate family member is or expects to be involved, if the Faculty Member or Investigator deems it desirable to seek review in accordance with the procedures specified in Section IV.

D. Additional reporting procedures for research.

Under Public Health Service and National Science Foundation rules and regulations,³ a Faculty Member or Investigator utilizing or seeking PHS or NSF funding has a potential conflict of interest if the Faculty Member, Investigator or his/her immediate family member has a "significant financial interest" (as defined in paragraph III. A. above) that could directly and significantly affect the design, conduct or reporting of the PHS- or NSF-funded research.⁴ The University is required to report to PHS, prior to the expenditure of any funds under a PHS award, the existence (but not the nature) of any conflict and to assure PHS that the conflict has been managed, reduced or eliminated. For conflicting interests identified subsequent to the University's initial report under a PHS award, the University is obligated to report the conflict and manage, reduce or eliminate it, at least on an interim basis, within 60 days of its identification. NSF also requires the University to report any conflict the University is unable to manage satisfactorily. As part of the NSF grant proposal process, the University additionally must certify that actual or potential conflicts were, or prior to funding will be, managed, reduced, or eliminated, or disclosed to NSF.

In order to manage conflicts of interest, the University may impose conditions or restrictions on itself, on the design and conduct of research, and on Faculty Members and Investigators, such as requiring:

- 1) public disclosure of significant financial interests;
- 2) monitoring of research by independent reviewers;
- 3) modification of the research plan;
- 4) disqualification from participation in all or part of the funded research;
- 5) divestiture of the significant financial interest; and/or
- 6) severance of relationships that create actual, potential or reasonably apparent conflicts of interest.

If a Faculty Member or Investigator fails to comply with this Policy and, as a result, has biased the design, conduct or reporting of PHS-funded research, the University will promptly notify PHS of the corrective action taken or to be taken. Furthermore, in any case where a PHS-funded project of clinical research evaluating the safety or effectiveness of a drug, medical device or treatment has been designed, conducted

³ PHS 42 CFR Part 50, Subpart F, "Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding is Sought." PHS excludes Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Program Phase I applications from the regulation. NSF conflict of interest rules are incorporated into the NSF Grant Policy Manual, Ch. V, Sec. 510, "Conflict of Interest Policies." NSF Grant General Conditions and NSF Grant Proposal Guide. Faculty members also should be aware of Food and Drug Administration (FDA) regulations (21 CFR 54) regarding conflicts of interest, which apply to any applicant who submits a marketing application for a human drug, biological product or device, and who submits clinical studies covered by the regulation. The regulations require the disclosure of conflicts or a certification that no financial conflicts exist. See Section V of this Policy for a list of resources providing information on financial conflicts of interest.

⁴ PHS defines "research" as: "A systemic investigation designed to develop or contribute to generalized knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research and product development. As used in 42 CFR Part 50, Subpart F], the term includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority."

or reported by a Faculty Member or Investigator with a conflicting interest that was not disclosed or managed as required by this Policy, the University will require the Faculty Member or Investigator to disclose the conflicting interest in each public presentation of the results of the research, and the Faculty Member or Investigator shall do so.

In accordance with PHS and NSF requirements, the University will maintain all records of financial disclosures made by Faculty Members and Investigators and actions taken by the University with respect to conflicts of interest for at least three years from the termination or completion of the relevant grant, and will make such records available in appropriate circumstances for inspection and review upon request by those agencies.

Furthermore, pursuant to PHS requirements, all subgrantees, contractors and collaborators on PHS-funded research at the University must either comply with this Policy or provide assurances to the University that enable the University to satisfy PHS regulations.

IV. PROCEDURES FOR REVIEW

A. Review of disclosure form; management of disclosed conflicts.

1. Faculty mMembers and Investigators shall supply the annual and ad hoc disclosures required by Section III on the annexed Disclosure Form, for confidential review by the Administration. Each dean shall forward to the Vice-PresidentExecutive Vice President a copy of the Ffaculty and Investigator disclosure forms, any related material submitted by a fFaculty Mmember or Investigator, and the dean's recommendation for action.
2. If the dean, with the concurrence of the Vice-PresidentExecutive Vice President, determines that the conduct disclosed is permissible under this Policy, the fFaculty Mmember or Investigator shall be so informed in writing. Guidance on types of conduct approved shall be provided the fFaculty from time to time, without identifying Ffaculty Mmembers or Investigators who received approval.
3. If the dean or the Vice-PresidentExecutive Vice President determines that the conduct may present an actual conflict of interest, or reasonably appears to present a significant potential for such a conflict of interest, within the scope of this Policy, conditions or restrictions to manage or prohibit the conflict, agreeable to the Vice-PresidentExecutive Vice President, may be imposed. Such conditions or restrictions may include, but are not limited to: Public disclosure of significant financial interests; monitoring of research by independent reviewers; modification of the research plan; disqualification from participation in all or part of an externally funded research project; divestiture of significant financial interests; and severance of relationships that create actual or reasonably apparent conflicts of interest.
4. It is not the object of this Policy to discourage outside activities by Ffaculty and Investigators that present no actual or reasonably apparent conflict of interest within the scope of this Policy. Instead, the review process is designed to allow fFaculty Mmembers and Investigators to undertake permissible activities without concern about later criticism, to provide the University accurate information about those fFaculty and Investigator activities, and to be fair to all involved.

B. Procedures for resolving disputes about conflicts.

1. If a dean learns from a -Ffaculty Mmember, Investigator, or otherwise of conduct the dean believes presents a significant question under this Policy, the dean should

discuss the conduct with the ~~Faculty Member or Investigator~~; shall relate his or her findings to the ~~Vice President/Executive Vice President~~, and subject to the concurrence of the ~~Vice President/Executive Vice President~~ shall advise the ~~Faculty Member or Investigator~~ whether the conduct is permissible under this Policy without conditions or restrictions; (b) may be undertaken subject to conditions or restrictions as described in Section IV.A.3 above; (c) or should cease, subject to further review. If the dean or ~~Vice President/Executive Vice President~~ determines that conditions or restrictions should be imposed, the ~~Faculty Member or Investigator~~ shall, as the case may be, cease the conduct, accept the conditions or restrictions agreeable to the ~~Vice President/Executive Vice President~~, or seek review of the matter by the school's Conflicts Consultation Committee.

2. Any member of the University community ("Complainant") may bring directly to the attention of a school's Committee a probative and not frivolous matter alleged to be reportable under this Policy. A ~~Faculty Member or Investigator~~ whose activity has been questioned shall be entitled to know the identity of the person or persons bringing such allegations to the Committee and the full extent of the allegations.
3. A school's Conflicts Consultation Committee shall be composed of at least five ~~Faculty Members~~ of the school, elected, ordinarily annually, by the ~~Faculty~~ of the school. The Committee's function shall be to conduct a hearing if necessary, to make written findings about any disputed facts, and to write a reasoned recommendation as to whether the conduct entails a reportable conflict of interest under this Policy and whether the conduct may be undertaken subject to conditions or restrictions.
4. The dean, the ~~Vice President/Executive Vice President~~, the Complainant, ~~or the Faculty Member or the Investigator~~ may consult a member of the Conflicts Consultation Committee informally, with that member's consent, before the matter is referred to it, to discuss whether a given activity would entail a reportable conflict of interest under this Policy and/or what if any conditions or restrictions would be appropriate, but no such informal advice should bind any party to the process described above. The Committee member who has provided such consultation shall not participate in the hearing or decision.
5. The ~~Vice President/Executive Vice President~~ shall review the Committee's recommendation, confer with the Dean, and render a formal decision.
6. A ~~Faculty Member or Investigator~~ dissatisfied with the ~~Vice President/Executive Vice President's~~ decision may appeal it to the University Conflicts Resolution Panel ("Panel"), which shall be composed of five ~~Faculty Members~~ nominated by the Faculty Senate Executive Committee in consultation with the ~~Vice President/Executive Vice President~~ and elected by the Faculty Senate. Members of the Panel shall ordinarily serve for staggered three-year terms.
7. The Panel shall be bound by the factual findings of the school Conflicts Consultation Committee unless in the judgment of the Panel the school Committee clearly failed to consider important facts submitted to it. Ordinarily there should be no need for a hearing before the University Panel and no augmenting of the factual record.
8. A member of the Panel from the school from whose Committee the appeal is taken may not participate in the appeal. No informal or other ex parte communication with members of the Panel shall be permitted as to a matter that has been or may be brought before the Panel.

9. dean, The Panel shall render its report to the affected ~~Faculty Member~~ or Investigator, the and the ~~Executive~~ Vice President. The conclusion of the Panel shall be forwarded to the Administration for final disposition.
10. To the extent that conduct of ~~Faculty~~ or ~~Investigators~~ who are identified in Section I.D.1. is ultimately determined to be impermissible under this Policy, the ~~Vice President/Executive Vice President~~ (or other supervisors for Investigators) may impose sanctions not inconsistent with the substantive and procedural requirements of the Faculty Code (or other applicable procedures).
11. A ~~Faculty Member~~ or Investigator whose conduct has been ultimately determined to be permissible under this Policy shall be insulated from school or University sanction for that conduct. However, another ~~Faculty Member~~ or Investigator may not rely on an approval that addressed a different ~~Faculty Member's~~ or Investigator's conduct, as it may have been based on unique circumstances.

V. RESOURCES FOR INFORMATION ON FINANCIAL CONFLICTS OF INTEREST

NIH home page:

www.nih.gov

NIH conflict of interest requirements:

<http://grants1.nih.gov/grants/policy/emp/programs/overview/ep-coi.htm>

NIH list of conflict of interest information resources available on the Web:

<http://grants1.nih.gov/grants/policy/coi/resources.htm>

NSF home page:

www.nsf.gov

NSF "Grant Policy Manual, Chapter V – Grantee Standards":

<http://www.nsf.gov/pubs/2002/nsf02151/gpm5.htm>

Frequently asked questions concerning PHS and NSF investigator conflicts of interest

www.nih.gov/grants/policy/coifaq.htm

FDA home page:

www.fda.gov

FDA "Device Advice: Financial Disclosure":

www.fda.gov/cdrh/devadvice/ide/financial.shtml

FDA guidance "Financial Disclosure by Clinical Investigators":

www.fda.gov/oc/guidance/financialdis.html

DHHS draft interim guidance "Financial Relationships in Clinical Research: Issues for Institutions, Clinical Investigators and IRBs to Consider When Dealing with Issues of Financial Interests and Human Subject Protection":

<http://ohrp.osophs.dhhs.gov/humansubjects/finreltn/finguid.htm>

National Bioethics Advisory Committee publication: "Ethical and Policy Issues in Research Involving Human Participants":

<http://bioethics.georgetown.edu/nbac/pubs.html>

Association of American Medical Colleges Task Force on Financial Conflicts of Interest in Clinical Research report "Protecting Subjects, Preserving Trusts, Promoting Progress – Policy and Guidelines for the Oversight of Individual Financial Interests in Human Subjects Research":
<http://www.aamc.org/members/coitf/firstreport.pdf>

Association of American Universities Task Force on Research Accountability "Report on Individual and Institutional Financial Conflict of Interest":
<http://www.aau.edu/research/COI.01.pdf>

Council on Governmental Relations. "Recognizing and Managing Personal Financial Conflicts of Interest" (2002) (available in hard copy from the University Office of Research Services and the Medical Center Office of Health Research, Compliance and Technology Transfer)